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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

HUSEIN HELAIQA,

Plaintiff,

v.

Department of Homeland Security, MICHAEL
 CHERTOFF, Secretary; U.S. Attorney General,
 ALBERTO R. GONZALES; United States
 Citizenship and Immigration Services, EMILIO
 T. GONZALEZ, Director; United States
 Citizenship and Immigration Services,
 ALFONSO AGUILAR, Chief; United States
 Citizenship and Immigration Services, DAVID
 STILL, District Director and ROBERT
 MUELLER, III, Director of Federal Bureau of
 Investigation,

Defendants.

No. C 07-1253 MHP

**STIPULATION TO EXTEND BRIEFING
 SCHEDULE AND HEARING DATE;
 AND [PROPOSED] ORDER**

The plaintiff, by and through his attorney of record, and defendants, by and through their attorneys of record, hereby stipulate, subject to approval of the Court, to a 30-day extension of the briefing schedule and hearing date in this case, based on the following:

1. The plaintiff filed an application for naturalization with the United States Citizenship and Immigration Services (USCIS) on March 28, 2005.

2. As part of its processing of the naturalization application, the USCIS asked the FBI to conduct a name check of the plaintiff.

3. The plaintiff was interviewed by the USCIS on his naturalization application on or about August 2, 2005.

4. On March 2, 2007, the plaintiff filed an action under 8 U.S.C. § 1447(b), which provides that if the USCIS has failed to make a determination on an individual's application for naturalization within 120 days after the date on which the applicant is examined, the applicant may apply to the United States District Court for a hearing on the matter, and the District Court "may either determine the matter or remand the matter, with appropriate instructions, to the Service to determine the matter." 8 U.S.C. § 1447(b).

5. The USCIS asked the FBI to expedite the processing of the plaintiff's name check on March 27, 2007.

6. The FBI completed the name check of the plaintiff today, October 25, 2007, and is forwarding the name check result to USCIS.

7. Pursuant to the briefing schedule and hearing date currently in effect, the defendants' motion to remand is due on October 26, 2007; the plaintiff's opposition is due on November 9, 2007; the defendants' reply is due on November 16, 2007; and the hearing is scheduled for December 3, 2007.

8. In light of the fact that the FBI has now completed the plaintiff's name check and the possibility that this case may be moot within the next thirty days, the parties respectfully ask this Court to extend the briefing schedule and hearing date in this matter, as follows:

Defendants' Motion to Remand:	November 30, 2007
Plaintiff's Opposition:	December 14, 2007
Defendants' Reply:	December 21, 2007
Hearing:	January 7, 2008, at 2:00 p.m.

1
2 Dated: October 25, 2007

Respectfully submitted,

3 SCOTT N. SCHOOLS
4 United States Attorney

5 /s/
6 EDWARD A. OLSEN
7 Assistant United States Attorney
8 Attorneys for Defendants

9 Dated: October 25, 2007

10 /s/
11 GERI N. KAHN
12 Attorney for Plaintiff

13 **ORDER**

14 Pursuant to stipulation, IT IS SO ORDERED.

15 Date: 10/30/2007

16 MARILYN HALL PATEL
17 United States District Judge

